Internet Governance BAROMETER (FEBRUARY 2018)

IG Barometer indicates the presence of specific IG issues in the public policy debate in comparison to the previous month

Global IG Architecture

decreasing relevance

The Internet Society announced the launch of a Collaborative Governance Project to 'expand the global knowledge and use of collaborative governance processes to solve problems and develop norms'.

Several global companies, including Airbus, IBM, Siemens, and Deutsche Telekom, signed a Charter of Trust for a Secure Digital World, calling, among others, for shared ownership of IT security by various stakeholders.

Sustainable development

same relevance

The Food and Agriculture Organization and Telefonica have concluded an agreement to work together on leveraging the use of digital technologies such as the Internet of Things (IoT) and big data for agricultural development, food security, and nutrition.

Security

increasing relevance

Speaking at the Munich Security Conference, UN Secretary General António Guterres warned of increasing threats in cyberspace, saying that we are looking at 'episodes of cyberwar between states'. Guterres called for 'a serious discussion about the international legal framework in which cyberwars take place'.

India and Russia agreed to broaden cooperation on cybersecurity, including the exchange of technological information and combating cybercrime and terrorist use of ICT. They also called for norms to govern state behaviour in cyberspace, and for the continuation of the UN GGE.

The UK and the USA have publicly accused Russia of being behind the NotPetya ransomware attack in June 2017. The UK Defence Secretary Gavin Williamson stated that Russia was almost certainly behind the attack, while the US White House press secretary Sarah Sanders argued that the ransomware operation 'was part of the Kremlin's ongoing effort to destabilise Ukraine'. Russia denied the accusations as groundless.

The *Worldwide Threat Assessment of the US Intelligence Community*, presented by the US Director of National Intelligence, sees cyberthreats among top global threats in 2018. The assessment warns of the risks associated with unsecure devices, criminal malicious tools, cyber-attacks by various actors, and the use of cyber tools by terrorist groups.

Websites and systems have been exploited for their computing power to mine cryptocurrency. The exploited systems included a Russian supercomputer for nuclear research, Tesla's cloud system, and thousands of websites worldwide.

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E-commerce and Internet economy

increasing relevance

More than five years after Amazon was given a tax bill of almost €200 million by French tax authorities, the two parties have reached a 'comprehensive settlement agreement' for an undisclosed amount. The European Commission will present its plan for tax reforms for Internet giants by the end of March. According to EU Economic Affairs Commissioner, Pierre Moscovici, the tax proposals would create 'an electroshock'.

In a case brought by an Uber driver, the labour tribunal in Paris, France ruled that Uber's 'business is intermediation rather than transportation', and that the driver was self-employed. In Morocco, Uber suspended its activity, due to regulatory uncertainty.

The US State Secretary proposes the creation of a Bureau for Cyberspace and the Digital Economy, 'to formulate and coordinate a strategic approach necessary to address current and emerging cyber security and digital economic challenges'.

The USA introduced a communication at the Council of Services of the World Trade Organization expressing concerns over the possible negative effects of *China's Cleaning up and Regulating the Internet Access Service Market* regulation (to enter into force on 31 March) on cross-border transfers of information and trade in services.

The European Commission launched the EU Blockchain Observatory and Forum, to help the EU stay at the forefront of blockchain developments, and build expertise in this area.

The Indian government announced that it does not recognise bitcoin as a legal tender for payment, and that it will seek for a thorough regulation of the cryptocurrency industry. The General Manager of the Bank for International Settlements warned that, if financial authorities do not act preemptively, cryptocurrencies could become a threat to financial stability.

The Swiss Financial Market Supervisory Authority published a set of Guidelines on Initial Coin Offerings (ICOs), noting that ICOs are not covered by existing regulations and that every ICO enquiry should be decided on individual merits.

Venezuela launched the world's first sovereign cryptocurrency, the petro, and held a pre-sale said to have raised $735 million on the first day.

Digital rights

increasing relevance

The Article 29 Working Party released revised guidelines concerning the implementation of the EU General Data Protection Regulation (GDPR). The guidelines relate to the GDPR provisions on automated individual decision-making and profiling, and on personal data breach notifications.

The European Commission has sent a second letter to the Internet Corporation for Assigned Names and Numbers (ICANN), expressing concerns over the organisation's proposed models for ensuring compliance between its WHOIS policy and the GDPR.

A Belgian court decided that Facebook has been in breach of privacy laws by tracking users on third-party sites. It ordered the company to stop such practices, or face daily fines of €250,000, or up to €100 million. Facebook intends to appeal the ruling.

Jurisdiction and legal issues

increasing relevance

A Clarifying Lawful Overseas Use of Data Act (CLOUD Act) bill introduced in the US Congress seeks to clarify the conditions under which US authorities can access data stored by US companies outside national borders, and empower the USA to conclude agreements with other countries allowing the parties to access data stored within their borders. The bill was welcome by the Internet industry, and received with reticence by human rights organisations.

The European Parliament voted in favour of a new regulation on geoblocking, aimed to facilitate cross-border access to online services, within the EU, preventing the restriction or discrimination of content in particular locations. An exception which would allow copyrighted material to remain blocked in locations across the EU has drawn criticism from consumer rights group. The regulation is pending approval by the Council of the EU.

A leaked draft has revealed that the European Commission has been working on recommendations as to how member states and hosting providers could tackle illegal content online. The draft put emphasis on the roles and responsibilities of intermediaries, thus drawing criticism from civil society.

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Infrastructure

same relevance

ICANN decided not to delegate the .corp, .home, and .mail generic top-level domains (gTLDs) because of concerns over collisions with name labels used in private networks. The ICANN Board of Directors asked the corporation's CEO to facilitate negotiations between the Amazon Cooperation Treaty Organization's (ACTO) member states and the Amazon corporation over .amazon.

Foreign affairs ministers of ASEAN countries expressed support for a proposal to build an ASEAN Smart Cities Network, to 'improve the urban living environment and enhancing business opportunities for Southeast Asia' through the use of technology.

In a set of recommendations for the formulation of India's national telecom policy, the Telecom Regulatory Authority suggested the adoption of policies to encourage the development of networks especially suited to IoT.

Net neutrality

increasing relevance

In the USA, states are taking measures to preserve net neutrality after the Federal Communications Commission (FCC) adopted the *Restoring Internet Freedom Order* last December. They are doing so through executive orders passed by their governors, or through net neutrality bills introduced in their legislative bodies. At the federal level, the Internet Association expressed support for the Senate Congressional Review Act resolution, put forward by members of the Senate to invalidate the FCC order. Following the publication of the FCC order in the Federal Registry, attorneys-general in 22 states and Washington DC re-filed a lawsuit challenging it.

The Netherlands' Authority for Consumers and Markets denied a request to take action against T-Mobile's alleged breach of net neutrality rules through its zero-rated music streaming offer.

In a report on 'Open Internet and Devices', the Authority for Regulation of the Electronic Communications and Postal Sectors (ARCEP) in France noted that neutrality rules should also apply to devices, and not only to networks.

The Wikimedia Foundation has decided to discontinue its Wikipedia Zero programme this year. The programme, launched in 2012, saw Wikimedia partnering with mobile operators in 72 countries, to provide free access to Wikipedia on mobile devices.

New technologies (IoT, AI, etc.)

increasing relevance

India is taking up new initiatives in the field of artificial intelligence (AI). The country is setting up its first AI institute, and has created four committees tasked with preparing a national roadmap on AI.

Germany does not have any intention to procure autonomous weapons systems, according to the head of the country's Cyber and Information Space Command, but it needs to prepare to defend itself against such weapons being used by other countries.

The *Worldwide threat assessment of the US Intelligence Community* released by the US Director of National Intelligence lists AI and other disruptive technologies such as the IoT and big data among areas that could generate national security concerns to the USA.

A report released by academic and civil society organisations outlines security threats that could be generated by the malicious use of AI systems, and makes recommendations on how to better forecast, prevent, and mitigate such threats.

Researchers at Google Brain and the Massachusetts Institute of Technology have been working on demonstrating that AI agents can learn from implicit social feedback from humans, and use that feedback to improve themselves. This is seen as a significant step towards improving AI safety.

A survey conducted by the Workforce Institute and Coleman Parkes Research among almost 3000 employees in 8 countries found out that employees have an attitude of 'cautious optimism' towards AI.

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